



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

Mr. David Sammons
Dzyne Technologies, Inc.
11 Vanderbilt
Irvine, California 92618
DSammons@dzynetech.com

Re: Dzyne Technologies, Inc.
Notice of Warning
Case File No. FIFRA-04-2020-1021

Dear Mr. Sammons:

The U.S. Environmental Protection Agency has obtained evidence indicating that Dzyne Technologies, Inc. appears to be in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). On or about April 28, 2020, UPS Supply Chain Solutions, the licensed customs broker for Dzyne Technologies, Inc., incorrectly filed a Notice of Arrival of Pesticides and Devices (NOA) in the U.S. Customs and Border Protection (CBP) Automated Commercial Environment (ACE) system, showing that the product being imported was not a pesticide or pesticide device. The shipment contained pesticide devices, specifically Phillips UV lamps that arrived at the Port of Louisville, Kentucky UPS Hub under entry number SCS-02734228 on or about April 22, 2020.

Upon review of a copy of the label that was uploaded into the ACE Document Image System, the EPA determined that the lamps were misbranded due to the absence of an EPA Establishment Number. Pursuant 40 C.F.R. § 156.10(a) and Section 2(q)(1)(A) of FIFRA, a pesticide or a device declared subject to FIFRA pursuant to 40 C.F.R. § 152.500, is misbranded if its labeling does not include the producing establishment number. Pursuant to FIFRA Section 12(a)(1)(F), 7 U.S.C. § 136j (a)(1)(F), it is unlawful for any person in any State to distribute or sell any device which is misbranded. Further, an entry was not filed, prior to the import of this product. Pursuant to FIFRA 12(a)(2)(N), 7 U.S.C. § 136j(a)(2)(N), it is unlawful for any person to fail to file reports required by the Act.

In response to the apparent violation of FIFRA, the EPA is issuing this Notice of Warning (NOW) to Dzyne Technologies, Inc. pursuant to FIFRA Section 9(c)(3), 7 U.S.C. § 136g(c)(3). The EPA has determined at this time that a NOW is the appropriate enforcement response for the company's apparent violation of FIFRA.

Since your company may be classified as a small business, you may want to review the Information Sheet "U.S. EPA Small Business Resources," which can be found on the internet at:
www.epa.gov/compliance/small-business-resources-information-sheet. This document will provide you

with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act.

If you have any questions about this letter, and/or would like to discuss the above stated findings by the EPA, or would like a copy of the Information Sheet, please contact Kimberly Tomczak of my staff at (404) 562-8987.

Sincerely

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch

cc: Mr. Matt Salazar, Region 9 (Salazar.Matt@epa.gov)